

REMARKS

In the Office Action of January 24, 2006, the claims were subject to restriction under 35 U.S.C. §121, and divided into the following alleged inventions:

- I. Claims 1-19, drawn to an absorbent article, classified in class 604, subclass 396;
- II. Claims 20-33, drawn to a method of manufacturing an absorbent article, classified in class 156, subclass 60.

This restriction requirement is respectfully traversed.

The Examiner acknowledges that Inventions I and II are related as a process of making and a product made thereby. However, the Examiner states that the inventions are distinct since the absorbent article of the group I claims can be made by a process other than the group II claims, such as by a process of forming the article in its entirety prior to cutting the sections of the article from the web.

Applicant submits that this alternative method of preparation is speculative since it is unknown whether such a method would actually work in practice. Applicant is not required to demonstrate that there are no other methods which would serve as suitable alternatives. This burden should properly reside with the USPTO.

Notwithstanding, in the event that the restriction requirement is adhered to, applicant hereby elects the invention of group I (claims 1-19) for further prosecution on the merits, this election being made with traverse.

In view of the foregoing, prompt and favorable action on this application is respectfully requested.

Respectfully submitted,

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